

REMARKS

Claims 1-12 are pending. Reconsideration and allowance based on the below comments are respectfully requested.

Claim 1 recites, *inter alia*, a route searching means which, when at anytime requested by a user, searches an entire route to a destination when the destination is set, a list display means, a receiving means which, upon designating at least two of said guide points, receives a bypass setting for a section connecting the at least two guide points when the list display means lists and displays the guide points on the entire route, wherein when said receiving means receives the bypass setting for the section connecting the at least guide points, said route searching means researches the route to the destination in accordance with the setting result.

Claim 7 recites, *inter alia*, a method for searching a route in a navigation device, comprising inputting entire route information in the navigation device at any time by a user, searching an optimal route, retrieving from the map data base one or more guide points associated with the optimal route, listing one or more guide points on a display; determining whether the user whether to select a bypass setting based on the listed guide points, the bypass setting indicating which guide points should be bypasses; and performing an updated search of the optimal route based on the bypass setting.

Claim 12 recites, *inter alia*, an operation key by which a destination is set at any time by a user; a map data base; a route searching; a display operatively

connected to the route searcher, the display displaying a list of guide points located on the entirety of the optimal route; and a bypass receiver operatively connected to the route searcher and said operation key, the by pass receiving a bypass setting based on a user selection of one or more guide points to bypass; said route searching performing an updated search of the optimal route based on the bypass setting and provides the updated optimal route to said display.

The Office Action alleges that Herbst teaches the ability to search an entire route at any time requested by a user to a destination. Applicants respectfully disagree. Herbst teaches a navigation system in which a route is calculated and broken down into segments based on geographic data representation of roadways, inter sections, etc. This calculation of the entire route is accomplished prior to commencing travel on the route. When traveling the determined route, at the end of each segment, the system within Herbst provides a deviation evaluation from the obtained route to the user. The system of Herbst also can provide alternatives from the determined route at featured node points, which are locations at the end of each segment on the determined route. Therefore, the system of Herbst provides route deviation information based on a segment by segment basis. Further, the user must select which deviation route they desire to take, if any. See column 5, lines 4-35, column 6 through column 7 and column 10, lines 16-30.

The Office Action alleges that column 5, lines 4-7 provide the claimed searching of an entire route to a destination when requested by a user at

anytime. This section, however, merely discloses the input of an origin and destination from which a route calculation is obtained. Nowhere in Herbst, including this section of the disclosure, does it teach or suggest allowing the user to search a route to the destination at anytime requested by a user. Herbst only teaches allowing searches to be performed prior to traveling the route and at each intersection once a user requests a detour.

The Office Action states that Herbst fails to teach a bypass setting as taught in the present invention. The Office Action alleges that Moroto provides a teaching of this feature of applicant's claimed invention and when combined with Herbst teaches what is claimed by applicants. Applicants respectfully disagree.

Moroto teaches a vehicle navigation system that includes intersection data on the route. A detour point can be selected by a user from which a route is searched from the intersections to the detour point. See column 25, lines 14-27 and column 26, lines 35-47.

Nowhere in Moroto does it teach or suggest allowing the input of two or more bypass points from which to determine a detour route. In contrast, the point of destination for the detour must be input into the system of Moroto and a calculation from the previously determined route is made to that particular point. This is contrary to the present invention in which two or more bypass points are selected on the determined route and a detour is calculated from the selection of these two or more bypass points.

Thus, Moroto fails to teach or suggest a receiving means which, upon designating at least two of said guide points receives a bypass setting for a section connecting the at least two guide points when the list display means lists and displays points on the entire route, wherein when said receiving means receives the bypass setting for the section connection the at least two guide points, said route searching means researches the route to the destination in accordance with the setting result, as recited in claim 1.

Further, Moroto fails to teach or suggest, determining by the user whether this two selected bypass setting based on the listed guide points, the bypass setting indicating which guide points should be by passes and performing an updated search of the optimal route based on the bypass setting, as recited in claim 7.

Also, Moroto fails to teach or suggest, a bypass receiving operatively connected to the route searching and said operation key, the bypass receiving a bypass setting based on a user selection of one or more guide points to bypass, said route searcher performing an updated search of the optimal route based on the bypass setting and provides the updated optimal route to said display, as recited in claim 12.

In view of the above, applicants respectfully submit that both Herbst and Moroto fail to teach or suggest the features of the claims for which they are alleged to teach. Accordingly, the combination of Herbst and Moroto fail to teach the features as recited in independent claims 1, 7 and 12. Thus, the

rejection under 35 U.S.C. §103 is improper. Likewise, dependent claims 2-6 and 8-11 are distinguishable over the combination for the above reasons.

Conclusion

For at least these reasons, it is respectfully submitted that claims 1-12 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 10/030,689

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Michael R. Cammarata, #39,491

MRC/CJB:cb
1163-0385P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)